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2 **So Ordered.**



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5 *Patricia C. Williams*  
6 Patricia C. Williams  
Bankruptcy Judge

7 **Dated: October 25th, 2013**

8 UNITED STATES BANKRUPTCY COURT  
9 EASTERN DISTRICT OF WASHINGTON

10 In re:

DC No. 11-CV-357-RMP

11 LLS AMERICA, LLC,

Case No. 09-06194-PCW11

12 Debtor(s).

13 BRUCE P. KRIEGMAN, solely in his  
14 capacity as court-appointed Chapter 11  
15 Trustee for LLS America, LLC,

Adversary No. 11-80299-PCW11

16 Plaintiff(s),

17 vs.

REPORT AND RECOMMENDATION  
RE: PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT JUDGMENT  
AGAINST DEFENDANT DALE  
LAVIOLETTE (ECF NO. 577)

18 MARK BIGELOW, et al.,

19 Defendant(s).

20 The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendant Dale Laviolette (ECF No. 577) filed with the bankruptcy court in this adversary proceeding.

1        This Report and Recommendation is made pursuant to the Honorable Rosanna  
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy  
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 28) in district court  
4 case No. 11-CV-357-RMP.

5        The recommendation is that plaintiff's Motion for Entry of Default Judgment  
6 Against Defendant Dale Laviolette (ECF No. 577) be granted and the attached Default  
7 Judgment be entered in this adversary proceeding. The basis for this recommendation  
8 is that an Amended Order of Default was entered by the bankruptcy court on  
9 October 9, 2013 (ECF No. 564).

10                    ///END OF REPORT AND RECOMMENDATION///

Shelley N. Ripley, WSBA No. 28901  
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Attorneys to Bruce P. Kriegman, Liquidating Trustee

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

In Re:	US District Case No. 11-CV-00357
LLS AMERICA, LLC,	Bankruptcy No. 09-06194-PCW11
Debtor.	
BRUCE P. KRIEGMAN, Liquidating Trustee for LLS America LLC,	Adversary No. 11-80299 -PCW 11
Plaintiff,	DEFAULT JUDGMENT AGAINST DEFENDANT DALE LAVIOLETTE
v.	
MARK BIGELOW, et al.,	
Defendants.	

**JUDGMENT SUMMARY**

1. Judgment Creditor:	Plaintiff Bruce P. Kriegman
2. Attorney(s) for Judgment Creditors:	Witherspoon Kelley
3. Judgment Debtors:	Dale LaViolette
4. Attorney for Judgment Debtor(s):	None

DEFAULT JUDGMENT- 1

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Attorneys & Counselors

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- 1 5. Amount of Judgment: \$90,258.00  
2 6. Amount of Interest Owed to Date  
3 of Judgment: \$0.00  
4 7. Interest Rate: 0.11% per annum

5 **JUDGMENT**  
6

7 The Bankruptcy Court having previously entered an Amended Order of  
8 Default against Defendant Dale LaViolette (Adv. Doc. No. 564), and having  
9 reviewed the previously filed Memorandum of Authorities (Adv. Doc. No. 523),  
10 and the Affidavits of Curtis Frye and Shelley N. Ripley in Support of Plaintiff's  
11 Motion for Default Judgment filed herewith, and being fully advised in the  
12 premises,  
13  
14

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
16 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
17 Trustee for LLS America, LLC, shall have a judgment against the Defendant Dale  
18 LaViolette, as follows:  
19  
20

21 1. Monetary Judgment in the amount of \$90,008.00 USD, pursuant to  
22 11 U.S.C. § 550 and RCW 19.40.071;  
23

24 2. Transfers in the amount of \$90,008.00 USD made to the Defendant  
25 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff  
26 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,  
27 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;  
28

DEFAULT JUDGMENT- 2

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3. All said transfers to Defendant Dale LaViolette are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant Dale LaViolette for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and 551;

4. Defendant Dale LaViolette did not file a proof of claim in Debtor's bankruptcy proceedings.

5. A constructive trust is hereby established over the proceeds of all transfers in favor of the Trustee for the benefit of the estate of LLS America; and

6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00 USD, for a total judgment of \$90,258.00 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

Entered this       day of       , 2013.

HONORABLE ROSANNA MALOUF PETERSON

*Presented by:*

WITHERSPOON • KELLEY

*s/ Shelley N. Ripley*  
 Shelley N. Ripley, WSBA No. 28901  
 Daniel J. Gibbons, WSBA No. 33036  
 Attorneys for Plaintiff

### DEFAULT JUDGMENT- 3

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